

# **EXHIBIT A**

**57th District Court****Case Summary****Case No. 2021CI16992**

**AMY MARR VS HAROLD E CROXTON ET AL** § Location  
§ **57th District Court**  
§ Judicial Officer  
§ **57th, District Court**  
§ Filed on  
§ **08/19/2021**

---

**Case Information**

---

Case Type: **MOTOR VEHICLE  
ACCIDENT**

Case Status: **08/19/2021 Pending**

---

**Assignment Information**

---

**Current Case Assignment**

Case Number 2021CI16992  
Court 57th District Court  
Date Assigned 08/19/2021  
Judicial Officer 57th, District Court

---

**Party Information**

---

*Lead Attorneys*

**Plaintiff MARR, AMY**

**BRASURE, CHRISTOPHER  
RYAN**  
*Retained*

**Defendant AVAILABLE MOVERS & STORAGE  
INC**

**CROXTON, HAROLD E**

**RYDER TRUCK RENTAL INC**

---

**Events and Orders of the Court**

---

08/19/2021 New Cases Filed (OCA)

08/19/2021 PETITION

08/19/2021 REQUEST FOR SERVICE AND PROCESS

08/19/2021 JURY FEE PAID

08/31/2021 **Citation**  
CROXTON, HAROLD E  
Served: 09/20/2021  
AVAILABLE MOVERS & STORAGE INC  
Unserved  
RYDER TRUCK RENTAL INC  
Unserved

10/04/2021 RETURN OF SERVICE - SUCCESSFUL  
*HAROLD E CROXTON*

2021CI16992

CAUSE NO. \_\_\_\_\_

AMY MARR

Plaintiff,

V.

HAROLD E. CROXTON, AVAILABLE  
MOVERS & STORAGE, INC., & RYDER  
TRUCK RENTAL, INC.

Defendants.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

Bexar County - 57th District Court

\_\_\_\_\_ JUDICIAL DISTRICT

OF BEXAR COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff AMY MARR and file this Original Petition complaining of Defendants HAROLD E. CROXTON, AVAILABLE MOVERS & STORAGE, INC. ("AVAILABLE MOVERS"), & RYDER TRUCK RENTAL, INC. for cause of action, Plaintiff would show this Honorable Court as follows:

I.

PARTIES

- AMY MARR is a resident of Hidalgo County, Texas.
- HAROLD E. CROXTON ("Driver") is an individual who identified his address to law enforcement personnel as 2439 Fuller 3 Bronx, New York 10461. A copy of the Texas Peace Officer's Crash Report is pasted below:

VEHICLE, DRIVER, & PERSONS	Address (Street, City, State, ZIP) 2439 FULLER 3 BRONX, NY 10461																											
	Person Num.	12 Prn. Type	13 Seat Position	Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line											14 Injury Severity	Age	15 Ethnicity	16 Sex	17 Eject.	18 Restr.	19 Airbag	20 Helmet	21 Sol.	22 Alc. Spec.	Alc. Result	23 Drug Spec.	24 Drug Result	25 Drug Category
	1	1	1	CROXTON, HAROLD E											N	63	B	1	1	1	1	97	N	96		96	97	97
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.																												

Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.

Defendant may be served with process by serving him at the address he provided to law enforcement at 2439 Fuller 3 Bronx, New York 10461. ***Citation is herein requested for service by private service.***

3. AVAILABLE MOVERS is a licensed motor carrier doing business in Texas. It may be served through the process agent designated under the Motor Carrier Act, Pamela Daniels/Bluebonnet Process Service, 10358 CR 3101 Wilnona, Texas 75792. ***Citation is herein requested for service by private service.***

4. RYDER TRUCK RENTAL, INC. ("RYDER") is a corporation that identified its principal address to the Federal Motor Carrier Safety Administration at or around 11690 NW 105 ST. 1E, Miami, FL 33178. Defendant, RYDER, may be served with process by serving its registered agent, Corporate Creations Network Inc. at 5444 Westheimer #1000, Houston, Texas 77056. ***Citation is herein requested for service by private service.***

## II.


### **JURISDICTION & VENUE**

5. The subject matter in controversy is within the jurisdictional limits of this court. This court has jurisdiction over Defendants because Defendants purposefully availed themselves of the privilege of conducting activities in the state of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendants, and the assumption of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process. Defendants chose to operate in Texas.

6. Furthermore, Plaintiffs would show that Defendant engaged in activities constituting business in the state of Texas as provided by Section 17.042 of the Texas Civil Practice and Remedies Code, in that said Defendants committed a tort in whole or in part in Texas. Defendants' principal place of business and residence is in Texas. Defendants chose to operate

their tractor in BEXAR County, Texas. Defendants chose to haul goods in BEXAR County, Texas. Defendants failed to drive their tractor and trailer safely in BEXAR County, Texas and gives rise to Plaintiff's claim. Defendants smashed into Plaintiff's vehicle in BEXAR County, Texas. The impact from the collision injured Plaintiff in BEXAR County, Texas. The investigating officer was dispatched from his agency office, and performed his investigation in

The crash report showing the location of the crash is pasted below:

		<b>Texas Peace Officer's Crash Report (Form CR-3 1/1/2018)</b> Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457 Refer to Attached Code Sheet for Numbered Fields *=These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.).		Page <u>1</u> of <u>2</u>	
*Crash Date (MM/DD/YYYY) 07 / 27 / 2020		*Crash Time (24HRMM) 1   8   3   7		Case ID 202002361	
*County Name BEXAR		*City Name LEON VALLEY		Local Use 12138	
				<input type="checkbox"/> Outside City Limit	

Therefore, BEXAR County is the proper venue. Without waiving PLAINTIFFS' right to amend pleadings and seek additional damages, PLAINTIFF is seeking monetary relief over One Million Dollars (\$1,000,000.00).

### III.

### FACTS

7. Defendant, AVAILABLE MOVERS, LLC, is a motor carrier licensed by and registered with the Federal Motor Carrier Safety Administration. Defendants hired, qualified, and retained their commercial driver. At all times relevant to this lawsuit, Defendants' driver, HAROLD CROXTON, was acting in the course and scope of his actual and/or statutory employment with Defendants.

8. On or about July 27, 2020, Defendant operated, owned, hired, or were the proprietor of a commercial truck. Plaintiff was seriously injured on or about July 27, 2020 in a motor vehicle collision around 7200 Block of Huebner Road in BEXAR County, Texas. Defendants' truck failed to safely change lanes, failed to maintain a proper lookout, and failed to avoid colliding

with vehicles which caused serious damage to the Plaintiff and her vehicle. The Crash Report shows Defendant (Unit 1) changed lanes when unsafe in BEXAR County, Texas.

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)					Environmental and Roadway Conditions						
	Unit #	Contributing			May Have Contrib.	Contributing			May Have Contrib.	38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control	
	1	4									1	1	97	1	1	1	17

NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)	Field Diagram - Not to Scale
	<p>Unit2 was traveling east bound on the 7200 block of Huebner Rd in the right lane. Unit1 was next to Unit2 in the left lane. Unit1 attempted to switch to the right lane. Unit1's ladder that is attached to the vehicle collided into Unit2.</p>	

Copy from Custodial File

#### IV.

#### NEGLIGENCE CAUSES OF ACTION

9. The occurrence made the basis of this suit, reflected in the above paragraphs, and the resulting injuries and damages were proximately caused by the negligent conduct of the Defendants. Defendants' driver, HAROLD CROXTON, was negligent in the operation of the commercial vehicle. Specifically, Defendant HAROLD CROXTON:

1. Failed to change lanes when it was safe;
2. Followed too closely;
3. Drove at an unsafe speed;

4. Failed to keep a proper lookout;
5. Failing to keep attention to the roadway due to the use of a cellphone, including making calls, receiving calls, sending text messages, receiving messages, and otherwise being distracted while operating a motor vehicle.

10. As a direct and proximate result of this negligence, Plaintiff was seriously injured. Defendant, AVAILABLE MOVERS, LLC, is vicariously liable for the negligence of HAROLD CROXTON under the statutory employment doctrine as well as the doctrine of respondeat superior. Pleading in the alternative, Defendant, RYDER TRUCK LEASING, INC., is vicariously liable for the negligence of HAROLD CROXTON under the statutory employment doctrine as well as the doctrine of respondeat superior. Pleading in the alternative, Defendant, RYDER TRUCK LEASING, INC., is liable for the negligence of HAROLD CROXTON because HAROLD CROXTON was a permissive driver.

**Gross Negligence**

11. Pursuant to the Texas Civil Practice and Remedies Code, Section 41.001 *et. seq.* Defendants' actions including, but not limited to, the negligent conduct listed in paragraphs above, was more than momentary thoughtlessness or inadvertence. Rather, Defendants' conduct involved an extreme degree of risk, considering the probability and magnitude of the potential harm to Plaintiffs. Defendants had actual, subjective awareness of the risk involved but, nevertheless, proceeded in conscious indifference to the rights, safety, or welfare of Plaintiff or others similarly situated.

**Respondeat superior and vicarious liability**

12. At the time and on the occasion in question, HAROLD CROXTON was an employee of Defendants. At all relevant times, HAROLD CROXTON was in the course and scope of his employment for Defendants. Accordingly, Defendant, AVAILABLE MOVERS, LLC., are



responsible for Plaintiffs' injuries and damages under the theory of Respondeat Superior. Pleading in the alternative, Defendant, RYDER LEASING is responsible for Plaintiffs' injuries and damages under the theory of Respondeat Superior. Further, each Defendant is vicariously liable for the acts of their co-Defendants.

**Employer's independent negligence**

13. Defendant, AVAILABLE MOVERS, LLC, was negligent because it violated the duty which it owed Plaintiff to exercise ordinary care in one or more of the following respects:

- a. negligent hiring and supervision of HAROLD CROXTON;
- b. negligent training and supervision of HAROLD CROXTON;
- c. negligent retention of HAROLD CROXTON;
- d. negligent maintenance;
- e. negligent qualification of HAROLD CROXTON;
- f. negligence with respect to the implementation of an adequate company cellular

telephone usage policy, and enforcement of this policy.

14. Defendant, RYDER TRUCK LEASING, INC., was negligent because it violated the duty which it owed Plaintiff to exercise ordinary care in one or more of the following respects:

- a. negligent hiring and supervision of HAROLD CROXTON;
- b. negligent training and supervision of HAROLD CROXTON
- c. negligent retention of HAROLD CROXTON;
- d. negligent maintenance;
- e. negligent qualification of HAROLD CROXTON;
- f. negligence with respect to the implementation of an adequate company cellular

telephone usage policy, and enforcement of this policy.

**Negligent Entrustment**

15. Defendants AVAILABLE MOVERS, LLC, were also negligent in that it negligently entrusted the vehicle to HAROLD CROXTON when they knew or should have known that HAROLD CROXTON was an incompetent and/or reckless driver. Pleading in the alternative, Defendant, RYDER LEASING was also negligent in that it negligently entrusted the vehicle to HAROLD CROXTON when they knew or should have known that HAROLD CROXTON was an incompetent and/or reckless driver. The actions and/or omissions of Defendants was a proximate cause of the damages suffered by Plaintiff.

**V.**

**DAMAGES**

16. Plaintiff seeks to recover elements of damages, which were proximately caused by Defendants' negligence. As a direct and proximate result of the collision and the negligent conduct of the Defendants, decedent and Plaintiff suffered serious injury. The damages for such injuries include:

- A. Reasonable medical care and expenses in the past. These expenses were incurred by Plaintiff for the necessary care and treatment of the injuries resulting from the crash complained of herein and such charges are reasonable and were usual and customary charges for such services;
- B. Reasonable and necessary medical care and expenses which will, in all reasonable probability, be incurred in the future;
- C. Pain and suffering in the past;
- D. Mental anguish in the past;
- E. Pain and suffering in the future;
- F. Mental anguish in the future;
- G. Exemplary/Punitive Damages;
- H. Physical impairment in the past;

- I. Physical impairment which, in all reasonable probability, will be suffered in the future;
- J. Loss of past wages;
- K. Loss of future wages;
- L. Loss of earnings in the past;
- M. Loss of earning capacity in the past;
- N. Loss of earning capacity which will, in all probability, be incurred in the future;

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that citation be issued and Defendants be served, and upon trial on the merits the Court enter judgment for Plaintiff and against Defendant, jointly and severally, for actual damages, together with prejudgment interest, postjudgment interest, and court costs. Plaintiff also seeks to recover prejudgment interest, post-judgment interest, and court costs. Plaintiff's damages exceed the Court's jurisdictional minimum.

**A JURY IS REQUESTED AND PAID FOR HEREIN.**

Respectfully submitted,

By:/s/ Chris R. Brasure

**CHRIS R. BRASURE**

Texas Bar No. 24036257

**BRASURE LAW FIRM, PLLC**

135 Paseo Del Prado, Ste. 32

Edinburg, Texas 78539

Tel. (956) 686-355

Fax (888) 880-9309

chris@brasurelaw.com

ATTORNEY FOR PLAINTIFF

CAUSE NO. 2021CI16992

AMY MARR	§	IN THE DISTRICT COURT
<i>Plaintiff</i>	§	
	§	
VS.	§	57TH JUDICIAL DISTRICT
	§	
HAROLD E. CROXTON, AVAILABLE	§	
MOVERS & STORAGE, INC. &	§	
RYDER TRUCK RENTAL, INC.	§	
<i>Defendants</i>	§	BEXAR COUNTY, TEXAS

**DEFENDANTS' ORIGINAL ANSWER**

TO THE HONORABLE COURT:

NOW COMES HAROLD E. CROXTON and AVAILABLE MOVERS & STORAGE, INC., two of the Defendants in this lawsuit to file this Original Answer, and in support show the court the following:

I.  
General Denial

Defendants file this general denial to all claims asserted and demand strict proof thereof.

II.  
Affirmative Defenses

Defendants are not responsible for the acts and/or omissions of third parties over whom Defendants had no control.

Defendants plead the limitation of damages contained in Section 41.0105 of the Texas Civil Practices & Remedies Code.

Defendants invoke all provisions provided for in Section 18.091 of the Texas Civil Practices & Remedies Code requiring that evidence to prove Plaintiff's alleged economic loss be presented in the form of a net loss after

reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law.

Defendants further plead that Plaintiff's injuries, if any, were pre-existing and/or unrelated to the incident forming the basis of this lawsuit.

WHEREFORE, Defendants HAROLD E. CROXTON and AVAILABLE MOVERS & STORAGE, INC., pray that Plaintiff take nothing by reason of this suit. Defendants further pray for such other and further relief, both general and special, at law or in equity, to which they may be justly entitled.

Respectfully submitted,



---

DAVID ORTEGA

State Bar No. 00791377

ERIK L. KRUDOP

State Bar No. 24027429

NAMAN HOWELL SMITH & LEE

Union Square II

10001 Reunion Place, Suite 600

San Antonio, Texas 78216

Ortega Direct Line: (210) 731-6353

Ortega Facsimile: (210) 785-2953

Krudop Direct Line: (210) 731-6444

Krudop Facsimile: (210) 785-2910

dortega@namanhowell.com

ekrudop@namanhowell.com

**ATTORNEYS FOR DEFENDANTS**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served in accordance with the Texas Rules of Civil Procedure on this the 8th day of October 2021, to the following counsel of record:

Chris R. Brasure  
Brasure Law Firm, PLLC  
135 Paseo Del Prado, Ste. 32  
Edinburg, Texas 78539  
[chris@brasurelaw.com](mailto:chris@brasurelaw.com)

  
\_\_\_\_\_  
Erik L. Krudop

**Ashley Nichols**

**From:** no-reply@efilingmail.tylertech.cloud  
**Sent:** Friday, October 8, 2021 3:29 PM  
**To:** Ashley Nichols  
**Subject:** Filing Submitted for Case: 2021CI16992; AMY MARR VS HAROLD E CROXTON ET AL;  
Envelope Number: 58030958

**Filing Submitted**

Envelope Number: 58030958

Case Number: 2021CI16992

Case Style: AMY MARR VS HAROLD E  
CROXTON ET AL

The filing below has been submitted to the clerk's office for review. Please allow 24 - 48 hours for clerk office processing.

Filing Details	
<b>Court</b>	Bexar County - District Clerk
<b>Date/Time Submitted</b>	10/8/2021 3:28 PM CST
<b>Filing Type</b>	Answer/Contest/Response/Waiver
<b>Filing Description</b>	Defs Original Answer
<b>Type of Filing</b>	EFileAndServe
<b>Filed By</b>	Ashley Nichols
<b>Filing Attorney</b>	Erik Krudop

Fee Details	
Your account is never charged until your filing is accepted. If you see any pending charges on your account prior to acceptance, this is an authorization hold to ensure the funds are available so your filing can be accepted without delay.	
If the filing is canceled or rejected these funds will be released and will return to your account according to your financial institution's policies (typically 3-10 business days).	
This envelope is pending review and fees may change.	
Case Fee Information	\$0.00
Answer/Contest/Response/Waiver	\$0.00
No Fee Documents	\$0.00
<b>Total:</b> \$0.00 (The envelope still has pending filings and the fees are subject to change)	

Document Details
------------------

<b>Lead Document</b>	Answer.pdf
<b>Lead Document Page Count</b>	3
<b>File Copy</b>	<a href="#">Download Document</a>
This link is active for 30 days.	

For technical assistance, contact your service provider



Need No  
 Help? Lawyer? Visit: Email:  
Start <https://efiletexas.gov/contacts.htm> [support@eFileTexas.gov](mailto:support@eFileTexas.gov)  
Help Here

Please do not reply to this email. It was automatically generated.



CAUSE NO. 2021CI16992

AMY MARR	§	IN THE DISTRICT COURT
<i>Plaintiff</i>	§	
	§	
VS.	§	57TH JUDICIAL DISTRICT
	§	
HAROLD E. CROXTON, AVAILABLE	§	
MOVERS & STORAGE, INC. &	§	
RYDER TRUCK RENTAL, INC.	§	
<i>Defendants</i>	§	BEXAR COUNTY, TEXAS

**NOTICE OF REMOVAL**

NOTICE is hereby given that Defendants Notice of Removal has on this day been filed in the United States District Court for the Western District of Texas, San Antonio Division, and that this cause has been removed from the 57<sup>th</sup> Judicial District Court, Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division, for trial and determination of all issues.

Respectfully submitted,



**David L. Ortega**

State Bar No. 00791377

Telephone: 210-731-6353

Facsimile: 210-785-2953

Email: [dortega@namanhowell.com](mailto:dortega@namanhowell.com)

**Erik L. Krudop**

State Bar No. 24027429

Telephone: 210-731-6434

Facsimile: 210-785-2910

Email: [ekrudop@namanhowell.com](mailto:ekrudop@namanhowell.com)

Naman, Howell, Smith & Lee, PLLC

10001 Reunion Place, Suite #600

San Antonio, Texas 78216

**ATTORNEY FOR DEFENDANT**

**HAROLD E. CROXTON**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served in accordance with the Texas Rules of Civil Procedure on this the 8th day of October 2021, to the following counsel of record:

Chris R. Brasure  
Brasure Law Firm, PLLC  
135 Paseo Del Prado, Ste. 32  
Edinburg, Texas 78539  
[chris@brasurelaw.com](mailto:chris@brasurelaw.com)

  
\_\_\_\_\_  
Erik L. Krudop

**Ashley Nichols**

**From:** no-reply@efilingmail.tylertech.cloud  
**Sent:** Friday, October 8, 2021 3:29 PM  
**To:** Ashley Nichols  
**Subject:** Filing Submitted for Case: 2021CI16992; AMY MARR VS HAROLD E CROXTON ET AL;  
Envelope Number: 58030958

**Filing Submitted**

Envelope Number: 58030958

Case Number: 2021CI16992

Case Style: AMY MARR VS HAROLD E  
CROXTON ET AL

The filing below has been submitted to the clerk's office for review. Please allow 24 - 48 hours for clerk office processing.

Filing Details	
<b>Court</b>	Bexar County - District Clerk
<b>Date/Time Submitted</b>	10/8/2021 3:28 PM CST
<b>Filing Type</b>	No Fee Documents
<b>Filing Description</b>	Notice of Removal
<b>Type of Filing</b>	EFileAndServe
<b>Filed By</b>	Ashley Nichols
<b>Filing Attorney</b>	Erik Krudop

Fee Details	
Your account is never charged until your filing is accepted. If you see any pending charges on your account prior to acceptance, this is an authorization hold to ensure the funds are available so your filing can be accepted without delay.	
If the filing is canceled or rejected these funds will be released and will return to your account according to your financial institution's policies (typically 3-10 business days).	
This envelope is pending review and fees may change.	
Case Fee Information	\$0.00
Answer/Contest/Response/Waiver	\$0.00
No Fee Documents	\$0.00
<b>Total:</b> \$0.00 (The envelope still has pending filings and the fees are subject to change)	

Document Details
------------------

Lead Document	Notice of Removal.pdf
Lead Document Page Count	2
File Copy	<a href="#">Download Document</a>
This link is active for 30 days.	

For technical assistance, contact your service provider



Need No  
Help? Lawyer? Visit: Email:  
[Start https://efiletexas.gov/contacts.htm](https://efiletexas.gov/contacts.htm) [support@eFileTexas.gov](mailto:support@eFileTexas.gov)  
[Help Here](#)

Please do not reply to this email. It was automatically generated.